

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRU TUDOR,

Plaintiff,

v.

JOSEPH BIDEN, *et al.*,

Defendants.

Case No. C24-1150-JNW

ORDER TO SHOW CAUSE

Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled action. (Dkt. # 1.) Plaintiff’s IFP application stated that their net monthly salary is \$3,000 and reported no other income. (*Id.* at 1.) Plaintiff’s IFP application further reported \$6,000 in their checking account, \$0 in cash, and no savings. (*Id.* at 2.) Plaintiff does not explain why they cannot use the money in their checking account to pay court fees. (*Id.*) Plaintiff reported no valuable property or dependents. (*Id.*) Plaintiff did not describe any monthly expenses—instead they wrote “N/A”—but Plaintiff also stated that the amount of their monthly expenses is “\$5,000+.” (*Id.*) Plaintiff did not explain how they pay monthly expenses in excess of their net monthly salary or describe the types of monthly expenses they incur. (*Id.*) Finally, Plaintiff stated they are currently “homeless and on the street.” (*Id.*)

1 The district court may permit indigent litigants to proceed IFP upon completion of a
2 proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status,
3 a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the
4 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523
5 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant
6 must show that he or she “cannot because of his [or her] poverty pay or give security for the
7 costs and still be able to provide him[or her]self and dependents with the necessities of life.”
8 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations
9 omitted).

10 The deficiencies in Plaintiff’s IFP application leave the Court unable to determine
11 whether Plaintiff cannot pay court fees. Plaintiff did not explain why they cannot use money
12 from their checking account to pay court fees. Plaintiff also failed to describe their monthly
13 expenses, or how Plaintiff pays expenses in excess of their monthly income. Under these
14 circumstances, Plaintiff should not be authorized to proceed IFP unless they correct these
15 deficiencies.

16 Accordingly, Plaintiff is ORDERED to show cause by **August 19, 2024**, why the Court
17 should not recommend their IFP application be denied. In the alternative, Plaintiff may file an
18 amended IFP application clarifying the deficiencies identified above. Plaintiff is also reminded to
19 substantively complete every part of the IFP application. The Clerk is directed to send copies of
20 this Order to Plaintiff and to the Honorable Jamal N. Whitehead.

21 Dated this 5th day of August, 2024.

22 

23 MICHELLE L. PETERSON
United States Magistrate Judge